



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,477	09/22/2003	Junichi Hara	242989US2	1669
22850 7590 06/19/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER TRAN, PHUOC	
			ART UNIT 2624	PAPER NUMBER
			NOTIFICATION DATE 06/19/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No. 10/665,477	Applicant(s) HARA ET AL.	
	Examiner Phuoc Tran	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-18 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/7/04, 3/20/07</u> . | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 2624

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it is not limited to a single paragraph. Correction is required. See MPEP § 608.01(b).

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 17, 18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 17 defines a **program** embodying functional descriptive material. Claim 18 defines a **storage medium** embodying functional descriptive material. However, claims 17, 18 do not define a **computer-readable medium or memory** and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-readable

Art Unit: 2624

medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized” – Guidelines Annex IV). That is, the scope of the presently claimed can range from paper on which the program is written, to a program simply contemplated and memorized by a person. The examiner suggests amending the claim to embody the program on **“computer-readable medium” or equivalent** in order to make the claim statutory. Any amendment to the claim should be commensurate with its corresponding disclosure.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 14, 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 14, it is unclear as to what a “JPEG2000” algorithm refers to. Because the rules set by JPEG2000 can be varied or modified over time, the algorithm can also be varied or modified.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

Art Unit: 2624

subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-8, 10-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Schwartz et al (6,898,323)

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As to claim 1, Schwartz et al disclose an image processing device, comprising: an image dividing unit configured to divide an input image into a plurality of image sections (col. 4, lines 1-3; col. 1, lines 17-25); an encoding unit configured to independently encode each of the image sections, and generate a first code stream including a plurality of code sections corresponding to the image sections (col. 4, lines 1-3; col. 1, line 16 – col. 2, line 9; col. 9, lines 23-26); and an editing unit configured to edit one of the code sections in the first code stream, and generate a second code stream based on the edited code section (col. 17, lines 32-42).

As to claim 2, Schwartz et al disclose a deletion unit configured to delete at least one of the code sections from the first code stream and output the second code stream including the remaining code sections in the first code stream (col. 17, lines 60-64; col. 18, lines 7-22).

As to claim 3, Schwartz et al disclose an extraction unit configured to extract at least one of the code sections from the first code stream and output the second code stream including the extracted at least one code section (col. 1, lines 18-21; col. 17, lines 32-42).

As to claim 4, Schwartz et al disclose a selection unit configured to select at least one of the code sections from the first code stream; and a replacement unit configured to replace the selected code section with predetermined coded data, and output the second code stream including the unselected code sections in the first code stream and the predetermined code data (col. 17, lines 32-59).

As to claim 5, Schwartz et al disclose that the deletion unit allocates information data indicating that the deleted code section is out of the input image to a header of the deleted code section, and outputs the second code stream including the remaining code sections in the first code stream and the deleted code section (col. 17, lines 60-64; col. 18, lines 7-22).

As to claim 6, Schwartz et al disclose that the extraction unit allocates information data indicating that each of the unextracted code sections is out of the input image to a header of each of the unextracted code sections, and outputs the second code stream including the extracted code section and the unextracted code sections (col. 1, lines 18-21; col. 17, lines 32-51).

As to claim 7, Schwartz et al disclose that the predetermined coded data includes a plurality of pixels each having a predetermined pixel value (col. 17, lines 24-25, lines 46-51; col. 18, lines 19-22).

As to claim 8, Schwartz et al disclose a decoding unit configured to decode the selected code section and generate first image data corresponding to the selected code section (col. 17, lines 33-36); an image data generation unit configured to generate second image data based on the first image data (col. 17, lines 33-46) ; and a compression unit configured to encode the second image data and generate coded data, and output the coded data to the replacement unit as the predetermined coded data (col. 17, lines 33-46).

As to claim 10, Schwartz et al disclose that the replacement unit replaces image data of the selected code section with image data of the predetermined coded data and maintains a header of the selected code section unchanged (col. 17, line 46 - col. 18, line 1).

As to claim 11, Schwartz et al disclose that the replacement unit replaces a header and image data of the selected code section with a header and image data of the predetermined coded data, respectively (col. 17, line 46 - col. 18, line 6).

As to claim 12, Schwartz et al disclose that the replacement unit replaces a data length of the selected code section or a data length of image data of the selected code section with a data length of the predetermined coded data or a data length of image data of the predetermined coded data (col. 17, line 46 - col. 18, line 6).

As to claim 13, Schwartz et al disclose that the encoding unit encodes each of the image sections by using one of entropy coding with two-dimensional discrete wavelet transformation and arithmetic coding (col. 2, lines 20-23; col. 4, lines 1-3; col. 9, lines 14-21);

As to claim 14, Schwartz et al disclose that the encoding unit encodes each of the image sections by using JPEG 2000 algorithm; and each of the image sections corresponds to a tile according to the JPEG 2000 algorithm (col. 3, line 66 – col. 4, line 3; col. 17, lines 18-36).

As to claim 15, Schwartz et al disclose that a height and a width of the tile are multiples of a quantity $d = 2^L$, where L is the wavelet decomposition level (col. 4, lines 1-3; col. 5, line 13 – col. 6, line 65; note tile format in JPEG2000 coding scheme).

Claims 16-18 recite limitations which are similar to those of claim 1. Therefore, they are rejected for the same reasons. Note column 4, lines 45-67 and column 29, lines 22-67.

Art Unit: 2624

9. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dekel et al (6,314,452) and Chan et al (7,110,608) disclose an image compression method that utilizes a wavelet transform.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc Tran whose telephone number is (571) 272-7399. The examiner can normally be reached on MON-FRI.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


PHUOCTRAN
PRIMARY EXAMINER